

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 1855 of 2005(U)

CMA.2/2004 of ADDL.DISTRICT COURT,KOTTAYAM

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PETITIONER:

KARUNAKARAN NAIR, S/O. RAMAN NAIR,
KANDATHIL HOUSE, KOTHALA KARA,
KOOROPADA VILLAGE, KOTTAYAM TALUK.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENT:

CHANDRASEKHARAN NAIR, S/O. RAMAN NAIR,
CHAITHRAM HOUSE, FROM ANICKAD, KOTHALA KARA,
KOTHALA POST, KOOROPADA VILLAGE, KOTTAYAM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC.1855/05

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF PLAINT IN O.S.613/03 DT.3.10.03

EXT.P2 – TRUE COPY OF WRITTEN STATEMENT FILED BY RESPONDENT AND FIRST DEFENDANT DT.12.1.03

EXT.P3 – TRUE COPY OF WRITTEN STATEMENT FILED BY DEFENDANTS, DT.3.1.04

EXT.P4 – TRUE COPY OF COMMISSION REPORT AND SKETCH IN OP. NO. 613/03 DT.10.10.03

EXT.P5 – TRUE COPY OF JUDGMENT DT.18/9/04 IN CMA.2/04 OF ADDITIONAL DIST. COURT, KOTTAYAM.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.1855 OF 2005
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DATED THIS THE 26TH JUNE, 2007

J U D G M E N T

The fervent submissions of Mr.M.P.Madhavan Kutty, counsel for the petitioner notwithstanding, I am unable to agree that Ext.P5 judgment of the lower appellate court confirming an order passed by the Munsiff dismissing an application for injunction filed by the petitioner is vitiated to such an extent as to warrant interference by this Court under the supervisory jurisdiction. The Writ Petition will stand disposed of directing the trial court to dispose of O.S.No.613 of 2003 (if not already disposed of) uninfluenced by the observations and findings, if any, in the interim order of injunction and in Ext.P5 judgment, and to take a decision in the suit at the earliest on the basis of the evidence which comes on record during trial. Considering the above direction, it is further ordered that the order directing maintenance of status quo issued by this Court on 9.6.2005 will remain in force till such time as the suit is disposed of by the court below.

(PIUS C.KURIAKOSE, JUDGE)

tgl

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